

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

STEVEN R. KINCAID,

Plaintiff,

vs.

BANK OF AMERICA,

Defendant.

04-CV-11522 (WGY)

**AFFIDAVIT OF JOHN B. HARKAVY IN OPPOSITION TO DEFENDANT'S MOTION
TO TRANSFER VENUE**

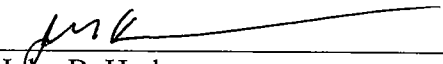
I, JOHN B. HARKAVY, being duly sworn, depose and state as follow:

1. I am over eighteen (18) years of age and competent to testify. I have personal knowledge of the facts set forth in this affidavit.

2. I am an attorney in the Commonwealth of Massachusetts and counsel of record to Plaintiff, Steven R. Kincaid.


3. Counsel for Defendant Bank of America did not confer with me, or contact me at all, before filing its Motion to Transfer Venue.

Signed under the pains and penalties of perjury this 27TH day of September, 2004.


John B. Harkavy

Suffolk, ss.

On this 27th day of September, 2004, before me, the undersigned notary public, personally appeared John B. Harkavy proved to me through satisfactory evidence of identification, which was my personal knowledge of his identity, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public: Valerie Ann Derby
My Commission Expires: 10/1/10